

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 24  
Entered: 17 April 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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TIMOTHY W. **LOVENBERG**,  
AND WAI-PING LEUNG  
Junior Party  
(Patent 7,151,200),

v.

HIDEHITO **KOTANI**,  
KAZUHIKO TAKAHASHI, AND  
HIROAKI SUWA,  
Senior Party  
(Application 10/482,464)

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Patent Interference No. 105,663  
(Technology Center 1600)

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Before SALLY GARNER LANE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,  
*Administrative Patent Judges.*

LANE, *Administrative Patent Judge.*

**Judgment– Merits – Bd. R. 127**

1 Priority statements were due to be filed on 14 April 2009. (Stipulated Extension of  
2 Time, Paper 19 at Appendix). Senior party Kotani filed a priority statement. (Paper 21).  
3 Junior party Lovenberg did not file a priority statement.<sup>1</sup>

4 When a junior party does not file a priority statement and does not provide  
5 sufficient reason for failing to do so, it is appropriate to enter judgment against it.  
6 Bd. R. 204(a) (3).

7 It is

8 **ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4), the sole  
9 count of the interference, is entered against junior party Lovenberg;

10 **FURTHER ORDERED** that claims 1-3 of Lovenberg patent 7,151,200,  
11 which claims correspond to Count 1 (Paper 1 at 4), be CANCELLED, 35 USC § 135(a);

12 **FURTHER ORDERED** that a copy of this judgment shall be entered into  
13 the administrative record of Lovenberg patent 7,151,200 and Kotani application  
14 10/482,464; and

15 **FURTHER ORDERED** that the Kotani priority statement (Paper 21) be  
16 expunged from the record.

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<sup>1</sup> By agreement, the parties did not seek authorization to file any non-priority motions. (Order-Priority Times, Paper 17 at 1). The parties have filed a settlement agreement. (Submission of Settlement

1 cc (via electronic mail):  
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3 Attorney for Lovenburg:  
4  
5 Joseph Lucci, Esq.  
6 Woodcock Washburn LLP  
7 Cira Centre, 12<sup>th</sup> Floor  
8 2929 Arch Street  
9 Philadelphia, PA 19104-2891  
10  
11 Tel: 215-568-3100  
12 Fax: 215-568-3439  
13 Email: [lucci@woodcock.com](mailto:lucci@woodcock.com)  
14  
15 Attorney for Kotani:  
16  
17 Debra A. Shetka, Esq.  
18 Janis K. Fraser, Esq.  
19 Fish & Richardson  
20 3300 RBC Plaza  
21 60 South Sixth Street  
22 Minneapolis, MN 55402  
23  
24 Tel: 916-765-7222  
25 Fax: 612-335-5070  
26 Email: [Shetka@fr.com](mailto:Shetka@fr.com)  
27 Email: [Fraser@fr.com](mailto:Fraser@fr.com)  
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